

Decision 02-04-052 April 22, 2002

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking Regarding the Implementation of the Suspension of Direct Access Pursuant to Assembly Bill 1X and Decision 01-09-060.

Rulemaking 02-01-011
(Filed January 9, 2002)

**INTERIM DECISION MOVING THE PROCEEDINGS ON
DIRECT ACCESS COST RESPONSIBILITY SURCHARGES
FROM A.00-11-038 ET AL. TO R.02-01-011 OR
SUBSEQUENT PROCEEDING**

In order to maximize administrative efficiency, we will move the proceedings on direct access and departing load cost responsibility surcharges from Application (A.) 00-11-038 et al. to this rulemaking. A.00-11-038 et al., the rate stabilization plan docket, is addressing numerous issues and the service list is voluminous. It is likely that not all parties on that service list will be interested in participating in future direct access proceedings. It is reasonable; therefore, to move these issues into this rulemaking or a subsequent proceeding. We will retain the scope and schedule for direct access and departing load cost responsibility issues as set forth in the ruling issued on March 29 by the assigned administrative law judge (ALJ), and adjusted by the ALJ rulings issued on April 3 and April 5. This proceeding will address surcharge issues and should be recategorized from quasi-legislative to ratesetting.

To ensure proper notice and continuity of the proceeding, this decision shall be concurrently served on parties of record in A.00-11-038 et. al., as well as

A.98-07-003. Any parties in A.00-11-038 that are not already on the service list for R.02-01-011, but that wish to continue to be on the service list for Direct Access cost responsibility issues must submit a request by letter to the Commission's Process Office. The letter should expressly request to be added to the service list in R.02-01-011, and indicate whether the request is to be a party of record or to be added in the "information only" category. The letter should be served on parties in both A.00-11-038 et al. and R.02-01-011, so that parties can update their own service mailing lists accordingly. If an individual wishes to be added in the "information only" category, e-mail notification to the Process Office is sufficient (ALJ_Process@cpuc.ca.gov). Parties to A.00-11-038 et al. and R.02-02-011 should also be notified.

For the parties' convenience, we list the schedule below:

<u>Event</u>	<u>Date</u>
DWR provides updated modeling runs	March 19
DWR Modeling Workshop	April 12
DWR Revised Model Runs	April 26
Concurrent Briefs on Legal Issues (including cost responsibility of departing load customers)	April 22
Reply Briefs on Legal Issues	May 6
Concurrent Opening Testimony	May 13
Reply Testimony	May 28
Prehearing Conference	June 5
Evidentiary Hearings	June 10, 11, and June 18- 21; June 27-28

Comments on Draft Decision

Commission decisions are generally subject to a 30-day review and comment period. Because this decision is merely addressing procedural matters,

it is reasonable to waive the period for comment and review, pursuant to Rule 77.7(f)(9).

Findings of Fact

1. For administrative efficiency, it is reasonable to address remaining issues related to direct access cost responsibility surcharges in R.02-01-011.

2. The scope and schedule delineated in the ALJ Rulings issued on March 29, 2002 and modified by the rulings issued on April 3 and April 5, 2002 in A.00-11-038 et al. will apply.

3. Any parties in A.00-11-038 that are not already on the service list for R.02-01-011, but that want to continue to be on the service list for Direct Access cost responsibility issues shall submit a request by letter, advising the Commission's Process Office. The letter shall expressly request to be added to the service list in R.02-01-011, and indicate whether the request is to be a party of record or to be added in the "information only" category. The letter shall be served on parties in both A.00-11-038 and R.02-01-011, so that parties can update their own service mailing lists accordingly. If an individual wishes to be added in the "information only" category, e-mail notification to the Process Office is sufficient (ALJ_Process@cpuc.ca.gov). Parties to A.00-11-038 et al. and R.02-02-011 should also be notified.

Conclusion of Law

This decision is made effective today to allow the procedural schedule to remain intact. Thus, it is reasonable to waive the period for comment and review of the draft decision, pursuant to Rule 77.7(f)(9).

INTERIM ORDER

IT IS ORDERED that:

1. All issues, legal and factual, associated with direct access cost responsibility surcharges, including the cost responsibility of departing load customers, shall be developed in this proceeding.
2. This proceeding is recategorized from quasi-legislative to ratesetting. The ex parte rules set forth in Rule 7(c) are applicable.
3. The executive director shall ensure that this order is served on all parties to Application (A.) 00-11-038 et al., Rulemaking 02-01-011 et al., A.98-07-0-003 et al., and all registered energy service providers.

This order is effective today.

Dated April 22, 2002, at San Francisco, California.

LORETTA M. LYNCH
President
HENRY M. DUQUE
CARL W. WOOD
GEOFFREY F. BROWN
MICHAEL R. PEEVEY
Commissioners